



General Assembly

February Session, 2012

Raised Bill No. 215

LCO No. 1258

01258_____GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING SPECIAL ELECTION TIMING FOR PROBATE JUDGE VACANCIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-218 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) When there is no election of judge of probate in any district by
4 reason of two or more having an equal and the highest number of
5 votes, or when a new probate district is created and no provision made
6 for the election of a judge [thereof] for such district, or whenever it is
7 shown to the Governor that a vacancy is about to exist in said office by
8 reason of the resignation of the incumbent to take effect at a future
9 time or by reason of constitutional limitation, or when there is a
10 vacancy in said office, the Governor shall, not later than ten days after
11 any such occurrence that results in a vacancy or impending vacancy in
12 any district, issue writs of election directed to the town clerk or clerks
13 or assistant town clerk or clerks within such district, ordering an
14 election to be held on [a day named therein, other than a Saturday or
15 Sunday,] the forty-sixth day after the issuance of such writs to fill such

16 vacancy or impending vacancy, and transmit the same to a state
 17 marshal. No such election shall be held on a Saturday or Sunday. If
 18 such a vacancy occurs between the one hundred twenty-fifth day and
 19 the forty-ninth day before the day of a regular state or municipal
 20 election in November of any year, the Governor shall so issue such
 21 writs on the forty-sixth day before the day of such regular election,
 22 ordering an election to be held on the day of such regular election. If
 23 such a vacancy occurs after the forty-ninth day before the day of a
 24 regular state election but before the Wednesday following the first
 25 Monday of January of the next succeeding year, the Governor shall not
 26 issue such writs and no election shall be held under this section. Such
 27 state marshal shall forthwith transmit [them] such writs to such clerk
 28 or clerks, who, on receiving the same, shall warn elections to be held
 29 on the day appointed in such writs, in the same manner as state
 30 elections are warned.

31 (b) Such elections pursuant to subsection (a) of this section shall be
 32 organized and conducted, and the vote shall be declared and returns
 33 made, certified, directed, deposited and transmitted, in the same
 34 manner as at a state election. The Secretary of the State, Treasurer and
 35 Comptroller shall, [within] not later than thirty days after any such
 36 election, count and declare the votes so returned, and notice shall be
 37 given to the person declared elected, in the same manner as is
 38 provided in the election of judges of probate at state elections. The
 39 Secretary of the State shall enter the returns in tabular form in books
 40 kept by [him] the Secretary for that purpose and present a copy of the
 41 same, with the name of, and the total number of votes received by,
 42 each of the candidates for said office, to the Governor [within] not later
 43 than ten days [thereafter] after the Secretary enters the returns.

44 (c) Any judge of probate who resigns his or her position, shall resign
 45 by sending written notification to the Probate Court Administrator.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>from passage</i>	9-218
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Statement of Purpose:

To provide that a special election to fill a vacancy for probate judge be conducted in the same timeline as that used for a special election to fill a vacancy for a member of the General Assembly and to provide that any probate judge who resigns, does so by notifying the Probate Court Administrator, in writing.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]